

Thomas A. Pitta

From: Rocco A. Cavaliere <rcavaliere@tarterkrinsky.com>
Sent: Wednesday, July 29, 2020 1:02 PM
To: Thomas A. Pitta; John Dellaportas
Subject: RE: In re Orly Genger

Tom,

Your assumption is incorrect. I will coordinate with the Trustee and get back to you with a more formal response to your inquiry. And if there is disagreement thereafter, we can address it at the August 4th status conference that Judge Garrity scheduled.

In the meantime, I look forward to hearing back from you as to your firm's role in connection with Dalia Genger's cross motion. Thanks.

Rocco



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From: Thomas A. Pitta <TPITTA@EMMETMARVIN.COM>
Sent: Tuesday, July 28, 2020 3:57 PM
To: Rocco A. Cavaliere <rcavaliere@tarterkrinsky.com>; John Dellaportas <JDellaportas@EMMETMARVIN.COM>
Subject: [EXT] RE: In re Orly Genger

Rocco,

Below you committed to get us by last Friday the Trustee's position on turning over her communications with the other parties to the case. I take it from your silence that the Trustee has elected not to produce the documents. Please advise. If the Trustee is unwilling to turnover those documents, we will certainly need to address this with the Court as soon as possible as you have provided no genuine legal basis for the Trustee's refusal to comply with her discovery obligations.

Thomas A. Pitta

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From: Rocco A. Cavaliere <rcavaliere@tarterkrinsky.com>
Sent: Monday, July 13, 2020 12:41 PM
To: John Dellaportas <JDellaportas@EMMETMARVIN.COM>
Cc: Thomas A. Pitta <TPITTA@EMMETMARVIN.COM>; Lance Harris <Lance@steinharris.com>; Brian T. Cumings <BCumings@gdhm.com>
Subject: RE: In re Orly Genger

John,

Thanks for the email. Good talking to you this morning.

The only comment I have is that it is the Trustee's position that it remains unclear what testimony could be gleaned from prior trustee that has any relevance to the motion to dismiss. We discussed your position and we respectfully disagree with each other on the relevance and other available means of obtaining such information. As to the date of the deposition, I have no objection to the date and am available. However, you and I cannot decide the date for his deposition alone. Not sure if Mr. Satija is available on 7/16/20 and I also don't know whether all the other parties have raised separately any issues with 7/16/20 with you.

On point 3, will get you a response at least 2 weeks before the Trustee's deposition. Thanks.

Rocco



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From: John Dellaportas <JDellaportas@EMMETMARVIN.COM>
Sent: Monday, July 13, 2020 12:05 PM
To: Rocco A. Cavaliere <rcavaliere@tarterkrinsky.com>
Cc: Thomas A. Pitta <TPITTA@EMMETMARVIN.COM>; Lance Harris <Lance@steinharris.com>; Brian T. Cumings <BCumings@gdhm.com>
Subject: [EXT] In re Orly Genger
Importance: High

Dear Rocco:

Thank you again for the call this morning. As discussed, we are writing this follow-up email to make sure we are both on the same page. Please feel free to correct any inaccuracies. We are copying Messrs. Harris and Cummins on this email, as they are implicated by some of our discussions.

1. Satija. Mr. Satija's deposition will go forward this Thursday, as noticed. We will not ask any questions concerning any communications with Ms. Piazza, or concerning any other matter relating to any date subsequent to the appointment of Ms. Piazza.
2. Harris. Once your schedule clears up, you will provide us some proposed deposition dates for Mr. Harris's deposition to take place in the second half of July.
3. Piazza. Ms. Piazza's deposition will take place on August 7. If you decide to produce settlement-related materials, you will do so at least one week before the deposition. We asked that, if you decide not to produce such materials on settlement privilege or other grounds, you so advise us as soon as possible, so we may seek a Court ruling. You said you would consider our request.
4. Sagi. We advised you that we will be seeking later today a ruling on the length of Sagi's deposition, and will abide by whatever ruling the Court provides. We also suggested you reach an agreement with the other parties to ask your questions first, given their deposition-taking style, to ensure there is sufficient time for your questions.
5. Kasowitz. Both sides are waiting on Kasowitz to provide a date. We fear we will need Court intervention to get one, but hope springs eternal.

John

John Dellaportas

Co-Chair, Litigation Department

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